

## 21 C.J.S. Courts § 211

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### Courts

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### VI. Rules of Adjudication, Decisions, and Opinions

#### B. Stare Decisis

#### 2. Courts Making Prior Decision

### § 211. Federal decisions as precedents in state courts on state law matters

[Topic Summary](#) | [References](#) | [Correlation Table](#)

#### West's Key Number Digest

West's Key Number Digest, [Courts](#)  97(1), 97(4), 97(6)

**State courts are not required to follow federal court decisions with regard to matters of state law although they may be persuasive.**

In cases not arising upon the construction of the Federal Constitution and laws but in which the state courts have full jurisdiction and their judgments are final, state courts follow their own decisions and are not bound by those of the federal courts<sup>1</sup> although those decisions may be persuasive.<sup>2</sup> Thus, state courts are the ultimate authority on state law.<sup>3</sup> Federal cases applying a state's law provide persuasive, but not precedential, authority in that state's courts,<sup>4</sup> and lower federal decisional authority is neither binding nor controlling in matters involving state law.<sup>5</sup>

### CUMULATIVE SUPPLEMENT

#### Cases:

A federal court's interpretation of a state high court's silence should not be taken as binding precedent outside the context of identifying the grounds for the higher court's decision under Antiterrorism and Effective Death Penalty Act (AEDPA), for example, as a statewide binding interpretation of state law. 28 U.S.C.A. § 2254(d). *Wilson v. Sellers*, 138 S. Ct. 1188 (2018).

Because Delaware's state constitutional provision governing the right to bear arms is intentionally broader than the Second Amendment, state courts' interpretation of the state constitutional provision is not constrained by federal precedent. [U.S. Const. Amend. 2; Del. Const. art. 1, § 20. Bridgeville Rifle & Pistol Club, Ltd. v. Small](#), 176 A.3d 632 (Del. 2017).

Many provisions of Georgia's Evidence Code were borrowed from the Federal Rules of Evidence, and when the Court of Appeals considers the meaning of the provisions of the Evidence Code borrowed from the Federal Rules of Evidence, it looks to decisions of the federal appellate courts construing and applying the Federal Rules, especially the decisions of the United States Supreme Court and the Eleventh Circuit. [Interest of A. A.](#), 362 Ga. App. 426, 868 S.E.2d 812 (2022).

Both reported and unreported federal district court cases are not controlling authority in the State Court of Appeals. [Miller v. Patel](#), 160 N.E.3d 1111 (Ind. Ct. App. 2020).

On questions of state constitutional law, United States Supreme Court is, in law and in fact, inferior in authority to state courts. (Per McDonald, J., with two justices concurring and one justice concurring specially.) [State v. Wright](#), 961 N.W.2d 396 (Iowa 2021).

Relying on federal double jeopardy caselaw to suggest an interpretive approach to a state statute to address the merger of crimes is neither required nor prohibited. [U.S. Const. Amend. 5. State v. West](#), 924 N.W.2d 502 (Iowa 2019).

Even though federal precedents are not binding, they constitute persuasive authority. [State v. Harris](#), 658 S.W.3d 135 (Mo. Ct. App. E.D. 2022), transfer denied, (Jan. 31, 2023).

When a Nebraska Evidence Rule is substantially similar to a corresponding federal rule of evidence, the Nebraska Supreme Court may look to federal decisions interpreting the corresponding federal rule for guidance in construing the Nebraska rule. [State v. Matteson](#), 313 Neb. 435, 985 N.W.2d 1 (2023).

Absent a United States Supreme Court pronouncement, the decisions of federal courts are not binding on Pennsylvania state courts, even when a federal question is involved. [Sardina-Garcia v. Brownsville Marine Products, LLC](#), 2020 PA Super 60, 230 A.3d 354 (2020).

State Supreme Court may interpret the state constitution as providing greater protection to citizens of the state than is provided to them under the federal constitution as interpreted by the United States Supreme Court. [State v. Williams](#), 2020 SD 44, 947 N.W.2d 612 (S.D. 2020).

Where Washington evidence rules mirror their federal counterparts, courts may look to federal case law interpreting federal rules as persuasive authority in interpreting Washington rules. [Robertson v. Valley Communications Center](#), 18 Wash. App. 2d 122, 490 P.3d 230 (Div. 1 2021).

## [END OF SUPPLEMENT]

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## Footnotes

- 1 [U.S.—Wichita Royalty Co. v. City Nat. Bank of Wichita Falls](#), 306 U.S. 103, 59 S. Ct. 420, 83 L. Ed. 515 (1939).

**Federal precedent may not rewrite state law**

Mich.—*Garg v. Macomb County Community Mental Health Services*, 472 Mich. 263, 696 N.W.2d 646 (2005), opinion amended on denial of reh'g, (July 18, 2005).

**Federal and state wiretapping laws**

R.I.—*State v. O'Brien*, 774 A.2d 89 (R.I. 2001).

2 U.S.—*Flood v. Bank of America Corp.*, 780 F.3d 1 (1st Cir. 2015).

Ala.—*Buist v. Time Domain Corp.*, 926 So. 2d 290 (Ala. 2005).

Colo.—*People v. Riley*, 708 P.2d 1359 (Colo. 1985).

Neb.—*State v. Hinton*, 226 Neb. 787, 415 N.W.2d 138 (1987).

Nev.—*In re Nevada State Engineer Ruling No. 5823*, 277 P.3d 449, 128 Nev. Adv. Op. No. 22 (Nev. 2012).

N.H.—*State v. Goding*, 128 N.H. 267, 513 A.2d 325 (1986).

Okla.—*Dority v. Green Country Castings Corp.*, 1986 OK 67, 727 P.2d 1355 (Okla. 1986).

3 U.S.—*DIRECTV, Inc. v. Imburgia*, 136 S. Ct. 463, 193 L. Ed. 2d 365 (2015).

4 Wis.—*Kaloti Enterprises, Inc. v. Kellogg Sales Co.*, 2005 WI 111, 283 Wis. 2d 555, 699 N.W.2d 205 (2005).

5 Cal.—*People v. Beltran*, 56 Cal. 4th 935, 157 Cal. Rptr. 3d 503, 301 P.3d 1120 (2013), as modified on denial of reh'g, (Aug. 28, 2013).

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